Support For FCC-Defined Service Provider Portability in an Environment of Inconsistent Rate Centers

1.0   Executive Summary

WWITF recognizes that fundamental differences exist between the operations of wireless and wireline carriers, and that these differences impact Service Provider portability with respect to porting both to and from wireline and wireless service providers. Recognizing these differences, in the *Number Portability Second Report and Order* in CC Docket 95-116, the FCC mandated that the North American Numbering Council (NANC) incorporate the wireless service providers into number portability. NANC, in turn, assigned this task to the Local Number Portability Administration Selection Working Group (LNPA WG) which established the Wireless/Wireline Integration Task Force (WWITF) to identify issues and recommend changes to the wireline-developed architecture to permit full integration of the wireless service providers. As recently as December 5, 1997, the FCC's intention to include all wireless carriers, cellular, PCS and covered SMR, was reaffirmed.

During its deliberations, the WWITF has identified a so-called "disparity" which would exist with the current architecture, making it impossible for some wireless subscribers to port to wireline carriers. No such restriction would prevent wireline subscribers from porting to a wireless carrier. This apparent "disparity" is based solely on the wireline carriers' position that the limitation of Service Provider portability to the wireline-established rate centers must remain an inviolable provision of the number portability architecture. Although there is consensus within WWITF of one mechanism—location number portability—that would ameliorate the claimed "disparity," all parties do not agree that location portability is a prerequisite to the implementation of Service Provider portability between wireline and wireless carriers. Indeed, no technical barrier has been identified which would prevent the full integration of wireless service providers into wireline portability from continuing, on schedule, while the WWITF develops a solution that would give all telecommunications users the benefits of number portability.

The WWITF has spent considerable effort trying to resolve this issue. However, it has not made any significant progress toward defining the changes to the existing number portability architecture that would be necessary to resolve the "disparity" issue and incorporate wireless carriers. Instead, proposals have been made to cease the integration of wireless carriers altogether, to delay integration of wireless carriers until location portability is ordered and fully developed or to limit wireless/wireline portability to only fixed-wireless alternatives to wireline service. Clearly, each of these alternatives falls short of the FCC's objective to enhance competition between wireless and wireline carriers. Many wireless service providers, however, believe that a final resolution of the "disparity" issue is unnecessary for the implementation of wireless/wireline portability to continue.

Lack of progress by the WWITF does not relieve NANC from meeting its FCC directives to incorporate wireless. Nor is it a basis to delay or negate such aspects of the *Number Portability Second Report and Order*. It is recommended that NANC direct WWITF to define a solution to the "disparity" issue and that wireless/wireline portability will continue on schedule, even with the temporary "disparity," until a defined solution can be implemented.

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2.0   Assumptions

2.1   Fundamental Differences

During its identification of issues to be addressed, WWITF developed the following consensus description of the inherent assumptions of the defined Service Provider portability architecture when applied to wireless/wireline portability.

ASSUMPTIONS FOR WIRELESS/WIRELINE SERVICE PROVIDER PORTABILITY:[1]

COMMON:

1.   In the context of Service Provider Portability the NPA-NXX is associated with a single rate center.
2.   Call rating to the caller is based upon the NPA-NXX of the called TN.

WIRELINE PORTING:

1.   A wireline subscriber's physical location must be in the same Rate Center as defined by the wireline subscriber's NPA-NXX.
2.   When porting to a wireline service provider, Common #1 above still applies.

WIRELESS PORTING:

1.   Wireless subscriber's physical location may be different than the Rate Center defined by the NPA-NXX.
2.   Porting to a wireless service provider can occur as long as the rate center associated with the porting TN is geographically located within the serving area of the ported to Wireless Service Provider and the Wireless Service Provider has or establishes a business or interconnect arrangement for incoming calls to the ported TN.

The fundamental difference between wireline and wireless service is:

Wireline service is fixed to a specific location. The NPA-NXX portion of the subscriber's telephone number is associated with a specific geographic rate center, and the subscriber's service must be sited within that rate center's geography.[2]

Wireless service is mobile and not fixed to a specific location. While the wireless subscriber's NPA-NXX is associated with a specific geographic rate center, the wireless service is not limited to use within that rate center.

Consequently, when a wireless subscriber ports a number to a wireline carrier, the potential exists that the subscriber's NPA-NXX will not associate with their desired wireline service rate center.

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[1]   This factual description of porting between wireless and wireline, in terms of assumptions and conditions, was tentatively agreed upon during the Oct 6-7, 1997 WWITF meeting.

[2]   Wireline carriers do offer Foreign Exchange Service where a customer can receive a telephone number from a different rate center than their physical location. Further, wireline carriers can provide a "personal mobility" service as defined by the ITU-T.

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2.2   Issue Awareness

The FCC is aware of the above fundamental aspects of wireline and wireless operation and that terminal mobility is an intrinsic part of Commercial Mobile Radio Service (CMRS). Indeed, the FCC directed NANC to squarely address this issue when it stated:

> "The NANC must also consider other issues of concern to CMRS providers, such as how to *account for differences between service area boundaries for wireline versus wireless services* and how to implement number portability in a roaming environment."[3]

This issue, in fact, has been known for some time. The conditions necessary for porting to a wireless or wireline provider were investigated by the wireless industry in early 1997 and released in the April 11, 1997 document: *CTIA Report on Wireless Number Portability*. Section 1.6.3 ("Porting To and From") discussed the criteria necessary when porting to and from wireless/wireline carriers:

> "Consequently, to maintain consistent rating from the calling party's perspective, porting from a WSP (Wireless Service Provider) to a wireline service provider can only occur when the resulting wireline service is geographically located within the wireline rate center associated with the ported MDN (mobile directory number)."[4]

Many of the service provider participants in the CTIA activity that produced the above report are participants in the NANC WWITF.

3.0   Discussion/Impacts

3.1   Possible Solutions

Although several alternatives to resolve the apparent "disparity" issue have been identified, most either do not meet the implementation objectives defined by the FCC; have a negative impact on numbering resources; cause severe customer disruption; or, result in new disparities with harsher and longer term consequences than the issue under consideration. However, many wireless service providers do not agree that arriving at a perfect solution is a necessary prerequisite to the implementation of wireless/wireline portability. They argue, here, that the benefits to competition of number portability transcend any temporary "disparity" that may occur while a longer-term solution is realized.

Among the alternatives considered are:

3.1.1   Location Portability

WWITF reached consensus that location portability could resolve the parity issue, as documented in the background section: "Location portability may extend the scope of number portability beyond the rate center… ."[5] Various issues have been identified regarding location portability, but the capability has been recognized as providing additional benefits to consumers and is discussed as a mechanism involved in certain types of number pooling. However, there are no

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[3]   Telephone Number Portability, *Second Report and Order*, CC Docket 95-116 (rel. Aug. 18, 1997), ¶ 91 ("*Number Portability Second Report and Order*") (emphasis added).
[4]   CTIA Report of Wireless Number Portability, Section 1.6.3.2, page 15.
[5]   "Background Material – Wireless-Wireline Service Provider Portability", Section 4.

directives for the implementation of location portability, and it is not a requirement for opening up local markets to competition.

3.1.2   Rate Center Consolidation

As wireline rate centers are consolidated, the likelihood increases that, when porting to a wireline carrier, a wireless subscriber could be served in the same rate center that is associated with their wireless NPA-NXX. While the definition of rate centers is under the jurisdiction of each state, this mechanism could ameliorate the "disparity," and provide an industry-acceptable alternative until longer term solutions are in place.

3.1.3   CMRS Number Assignment

CMRS carriers could obtain additional NPA-NXXs in all wireline rate centers and provide new subscribers a telephone number based on their corresponding wireline residential rate center. This would allow some of the newer CMRS subscribers to port to wireline providers with no impact. However, the assignment of NPA-NXXs for every rate center is neither an efficient use of numbers, nor a necessity for wireless carrier operation. With this solution, pre-existing CMRS customers would not be afforded the ability to port unless, by happenstance, their desired location for wireline service was in the same rate center as their wireless NPA-NXX.

3.2   Role of NANC with respect to CMRS porting

The FCC has mandated that NANC incorporate CMRS into service provider portability. Specifically, it states:

> "At the same time, we recognize that it will probably be necessary to modify and update the current local number portability standards and procedures in order to support wireless number portability… Thus, we direct the NANC to develop standards and procedures necessary to provide for CMRS provider participation in local number portability."[6]

Consequently, NANC has an obligation to fulfill this directive.

3.3   Role of the WWITF

The WWITF has been charged with defining the architecture changes necessary to integrate wireless service providers. It was recognized early on by some that this might involve discussion of location portability or rate center consolidation and was mentioned during the initial meetings of the WWITF, but there was not a consensus to either solution as it related to wireless Service Provider integration.

To date, no work has been conducted on any potential solution to the so-called issue of "disparity." Some members of the WWITF have argued that since the architecture does not support location portability and since the states determine rate centers, then porting from wireless to wireline should not exist or should be deferred as long as the difference in service definition exists. Others have argued that the conditions that exist for porting between wireline and wireless, although not 100% equal, are not grounds for deferring portability between wireline and wireless and do not require any near term solution.

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[6]   *Number Portability Second Report and Order*, ¶ 91.

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The FCC has indicated that delaying the portability implementation until all providers have the same capabilities is not justified:

> "While delaying implementation of number portability until all wireless concerns are fully addressed might result in an easier transition to a number portability environment for CMRS providers, we believe that such delay would be contrary to the public interest because a far greater number of wireline customers could not, during the period of delay, switch local providers without also changing telephone numbers. At the same time, we recognize that it will probably be necessary to modify and update the current local number portability standards and procedures in order to support wireless number portability."[7]

As recently as December 5, 1997, the FCC's intention to include all wireless carriers, cellular, PCS and covered SMR, was reaffirmed when, in conjunction with its Automatic Roaming Docket, it asked:

> "The Commission also invites comment on whether our roaming proposals are technically compatible with the CMRS number portability requirements established in the *Number Portability First Report and Order* in CC Docket No. 95-115."[8]

Obviously, if the FCC is concerned about the effects of number portability on roaming, it does not envisage number portability solely in the context of fixed wireless services.

3.4   A temporary "disparity" will not create a severe competitive impact

With respect to the "disparity" issue, it should be recognized that, without making modifications to the architecture, there is an asymmetry in porting between wireless and wireline. However, refusing to solve the issue of "disparity" by refusing to consider available options is a guarantee that the issue will not be resolved.

Ironically, some members of WWITF argue that the restrictions of porting from wireless to wireline are a "competitive disparity" but those same members state:

> "The simple fact is that consumers are not expected to replace their wireless service with wireline service or vice versa in the foreseeable future."[9]

If no one is expected to port from wireless to wireline, then what is the "disparity" concern? There would be no desire by the consumer to do so, and consequently no need for architectural changes at this time.

However, there are participants in WWITF that perceive some potential in porting from wireline to wireless, and the FCC mandate indicates that they should not be denied the benefits of competition. Indeed, the FCC', in its *Telephone Number Portability First Report and Order,* ordered that LECs provide telephone number portability to all telecommunications service providers, including CMRS.

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[7]   *Id.*

[8]   Commission Seeks Additional Comment On Automatic Roaming Proposals For Cellular, Broadband PCS, And Covered SMR Networks, *Public Notice*, CC Docket No. 94-54, DA 97-2558 (rel. Dec. 5, 1997).

[9]   "Alternatives for Provision of Number Portability", G. Flemming and D. Engleman, contribution to Wireless – Wireline Integration Task Force, December 4, 1997.

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One philosophy is to slow down competition to reflect the lowest common denominator. As indicated by the FCC, delaying implementation until all issues are resolved is not always in the best interest of competition. While this might result in a "disparity" in the perspective of some, it reflects that "Competition will come in fits and starts."[10]

4.0   Conclusion/Recommendation

As explicitly directed by the FCC, NANC is to define how to integrate wireless into the existing Service Provider portability architecture. The impacts of porting between wireless and wireline were identified by the wireless industry early on, and although there is agreement that long term solutions, such as location portability, would remove any disparity, there is not agreement that there is a need for a solution prior to the implementation of wireless/wireline portability. In fact, no evidence has been presented at WWITF that the current number portability architecture would technically have any detrimental call routing or rating impacts.

To date, WWITF efforts have focused on why the FCC Order should be reconsidered rather than focusing on defining how to implement the Order.

Arguments that prohibit the full integration of wireless/wireline number portability should be rejected. The WWITF should define a solution to the "disparity" issue and to be fully cognizant that wireless/wireline portability will continue on schedule, even with a temporary "disparity," until a defined solution can be implemented.

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[10]   *See* Debra Wayne, *New FCC commissioners are mum on pending wireless issues*, RADIO COMMS. REP., Nov. 24, 1997, at 12 (quoting FCC Commissioner Harold Furchgott-Roth).